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11 Attorneys for Plaintiff,
Richard Winfield

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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 SOUTHERN DIVISION

17 Richard Winfield,

Case No.:

18 Plaintiff,

COMPLAINT FOR DAMAGES

19 vs.

FOR VIOLATIONS OF:

20 USCB, Inc.,

**1. THE FAIR DEBT COLLECTION
PRACTICES ACT; AND
2. THE ROSENTHAL FAIR DEBT
COLLECTION PRACTICES ACT**

21 Defendant.

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23 **JURY TRIAL DEMANDED**

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1 Plaintiff, Richard Winfield (hereafter “Plaintiff”), by undersigned counsel,
2 brings the following complaint against USCB, Inc (hereafter “Defendant”) and alleges
3 as follows:

5 **JURISDICTION**

6 1. This action arises out of Defendant’s violations of the Fair Debt
7 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and violations of the
8 Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, *et seq.*
9 (“Rosenthal Act”).
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11 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), Cal. Civ.
12 Code 1788.30(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1367.
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14 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
15 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
16 where Defendant transacts business in this district.
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18 **PARTIES**

19 4. Plaintiff is an adult individual residing in Fullerton, California, and is a
20 “person” as defined by 47 U.S.C. § 153(39) and Cal Civ. Code § 1788.2(g).
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22 5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3), and is a
23 “debtor” as defined by Cal. Civ. Code § 1788.2(h).
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25 6. Defendant is a business entity located in Los Angeles, California, and is a
26 “person” as the term is defined by 47 U.S.C. § 153(39) and Cal Civ. Code §
27 1788.2(g).
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1 7. Defendant uses instrumentalities of interstate commerce or the mails in a
2 business the principle purpose of which is the collection of debts and/or regularly
3 collects or attempts to collect debts owed or asserted to be owed to another, and is a
4 “debt collector” as defined by 15 U.S.C. § 1692a(6).

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6 8. Defendant, in the ordinary course of business, regularly, on behalf of
7 itself or others, engages in the collection of consumer debts, and is a “debt collector”
8 as defined by Cal. Civ. Code § 1788.2(c).
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ALLEGATIONS APPLICABLE TO ALL COUNTS

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9. Plaintiff is a natural person allegedly obligated to pay a debt asserted to
be owed to a creditor other than Defendant.

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10. Plaintiff’s alleged obligation arises from a transaction in which property,
services or money was acquired on credit primarily for personal, family or household
purposes, is a “debt” as defined by 15 U.S.C. § 1692a(5), and is a “consumer debt” as
defined by Cal. Civ. Code § 1788.2(f).

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11. At all times mentioned herein where Defendant communicated with any
person via telephone, such communication was done via Defendant’s agent,
representative or employee.

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13. In response, on or about March 14, 2017, Plaintiff mailed Defendant a letter via certified mail requesting validation of the alleged debt.

14. Defendant signed for and received Plaintiff's letter on March 15, 2017.

15. Before complying with Plaintiff's request for validation of the alleged debt, Defendant continued in its collection attempts by sending Plaintiff another collection letter on or about April 3, 2017.

16. Defendant's actions caused Plaintiff to suffer a significant amount of stress and frustration.

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT, 15
U.S.C. § 1692, et seq.**

17. Plaintiff incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

18. The FDCPA was passed in order to protect consumers from the use of abusive, deceptive and unfair debt collection practices and in order to eliminate such practices.

19. Defendant engaged in conduct, the natural consequence of which was to harass, oppress, or abuse Plaintiff, in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

20. Defendant continued its collection efforts after receiving Plaintiff's written request for verification of the alleged debt and before providing such verification, in violation of 15 U.S.C. § 1692g(b).

21. The foregoing acts and/or omissions of Defendant multiple violations of the FDCPA, including every one of the above-cited provisions.

22. Plaintiff was harmed and is entitled to damages as a result of Defendant's violations.

COUNT II

**VIOLATIONS OF THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT, Cal. Civ. Code § 1788, et seq.**

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15 23. Plaintiff incorporates by reference all of the above paragraphs of this
16 complaint as though fully stated herein.

17 24. The Rosenthal Act was passed to prohibit debt collectors from engaging
18 in unfair and deceptive acts and practices in the collection of consumer debts.
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20 25. Defendant did not comply with the provisions of 15 U.S.C. § 1692, *et*
21 *seq.*, in violation of Cal. Civ. Code § 1788.17.

23 26. Plaintiff was harmed and is entitled to damages as a result of Defendant's
24 violations

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);

- 1 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
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3 C. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
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5 D. Statutory damages of \$1,000.00 for knowingly and willfully committing
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7 violations pursuant to Cal. Civ. Code § 1788.30(b);
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9 E. Costs of litigation and reasonable attorneys' fees pursuant to 15 U.S.C.
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11 § 1692k(a)(3) and Cal. Civ. Code § 1788.30(c);
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13 F. Punitive damages; and
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15 G. Such other and further relief as may be just and proper.

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17 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

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19 DATED: August 4, 2017

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21 TRINETTE G. KENT

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23 By: /s/ Trinette G. Kent
24 Trinette G. Kent, Esq.
25 Lemberg Law, LLC
26 Attorney for Plaintiff, Richard Winfield